

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
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CDPHE-CACFP PROCEDURE MEMO #12-01

DATE: January 2012

TO: Child Care Institutions and Adult Day Care Institution Representatives

FROM: Lynne Torpy, R.D., Director
Colorado Department of Public Health and Environment
Child and Adult Care Food Program

SUBJECT: Child Nutrition Reauthorization 2010:

1. Nutrition Requirements for Fluid Milk and Fluid Milk Substitutions
2. Water Availability

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modified requirements for fluid milk and fluid milk substitutions and established a requirement to make potable water available to children in the Child and Adult Care Food Program (CACFP). The purpose of this memorandum is to provide guidance on the implementation of these two provisions, effective February 15, 2012.

Section 221 of the Act amends section 17(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(g)) by requiring that fluid milk served in the CACFP be consistent with the most recent version of the Dietary Guidelines for Americans and allowing the substitution of non-dairy beverages that are nutritionally equivalent to fluid milk in cases of special dietary needs. Additionally, section 221 of the Act added a new provision to the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(u)). This new provision requires child care centers, family day care homes, at-risk afterschool programs, and shelters participating in the CACFP to make drinking water available to children, as nutritionally appropriate. Throughout the day, including at meal times, water should be made available to children to drink upon their request, but does not have to be available for children to self-serve. While drinking water must be made available to children during meal times, it is not part of the reimbursable meal and may not be served in lieu of fluid milk.

Fat-Free and Low Fat Milk

The 2010 Dietary Guidelines for Americans recommend that persons over two years of age consume fat-free (skim) or low-fat (1%) fluid milk. Therefore, fluid milk served in CACFP to participants two years of age and older must be: fat-free or low-fat milk, fat free or low-fat lactose reduced milk, fat-free or low-fat lactose free milk, fat-free or low-fat buttermilk, or fat-free or low-fat acidified milk. Milk served must be pasteurized fluid milk that meets State and local standards, and may be flavored or unflavored. Whole milk and reduced-fat (2%) milk may not be served to participants over two years of age. The CACFP milk requirement for children 12 through 23 months of age to be served whole milk remains unchanged.

The CDPHE-CACFP Creditable Foods Guide for Child Care Centers and Family Day Care Homes is under revision to reflect the new provisions and will be available April 1, 2012.

Non-Dairy Beverages

In the case of children and adults who cannot consume fluid milk due to medical or other special dietary needs, other than a disability, non-dairy beverages may be served in lieu of fluid milk. Non-dairy beverages must be nutritionally equivalent to milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk, as outlined in the National School Lunch Program (NSLP) regulations. These nutritional standards per cup of milk are as follows:

| Nutrient | USDA Requirement Per Cup | Daily % |
|---------------------|-------------------------------------|----------------|
| Calcium | 276 mg | 28% |
| Protein | 8 g | 16% |
| Vitamin A | 500 IU | 10% |
| Vitamin D | 100 IU | 25% |
| Magnesium | 24 mg | 6% |
| Phosphorus | 222 mg | 22% |
| Potassium | 349 mg | 10% |
| Riboflavin | 0.44 mg | 26% |
| Vitamin B-12 | 1.1 mcg | 18% |

The new provisions of the Act allow parents/guardians to request in writing non-dairy milk substitutions, as described above, without providing a medical statement. The written request must identify the medical or other special dietary need that restricts the diet of the child/adult.

Non-dairy milk substitutions are at the option and the expense of the facility. If the parent/guardian submits a written request for a creditable non-dairy milk substitute and chooses to provide the substitute, the caregiver may serve the requested substitute and claim reimbursement. If the parent/guardian submits a written request for a creditable non-dairy milk substitute and chooses not to provide the substitute, the caregiver has the option to meet the

request of the parent/guardian by either: supplying the non-dairy milk substitute and claim reimbursement, or to not supply the non-dairy milk substitute and decline reimbursement. *See the attached USDA questions and answers for more information regarding non-dairy milk substitutes.*

The requirements related to milk or food substitutions for a participant who has a medical disability and who submits a medical statement signed by a recognized medical authority remain unchanged.

The CDPHE-CACFP has currently identified the following five creditable non-dairy milk substitutes which meet the above criteria: 8th Continent Original Soymilk, Pacific Natural Ultra Soy Plain, Pacific Natural Ultra Soy Vanilla, Kikkomon Pearl Smart Creamy Vanilla, and Kikkomon Pearl Smart Chocolate. The CDPHE-CACFP intends to provide information regarding creditable non-dairy milk substitutes via the CACFP website. Participating institutions are encouraged to check the website often for updates on the current list of creditable non-dairy milk substitutes as products and availability may change.

| Nutrient | USDA Requirement Per Cup | 8th Continent Original Soymilk | Pacific Natural Ultra Soy: Plain and Vanilla | Kikkomon Pearl Smart Creamy Vanilla | Kikkomon Pearl Smart Chocolate |
|-----------------|---------------------------------|--|---|--|---------------------------------------|
| Calcium | 276 mg | 300 mg | 284 mg | 341 mg | 388 mg |
| Protein | 8 g | 8 g | 10 g | 9 g | 8 g |
| Vitamin A | 500 IU | 500 IU | 500 IU | 578 IU | 613 IU |
| Vitamin D | 100 IU | 100 IU | 100 IU | 118 IU | 110 IU |
| Magnesium | 24 mg | 24 mg | 52 mg | 80 mg | 96 mg |
| Phosphorus | 222 mg | 250 mg | 254 mg | 401 mg | 456 mg |
| Potassium | 349 mg | 360 mg | 381 mg | 410 mg | 550 mg |
| Riboflavin | 0.44 mg | .51 mg | .50 mg | .75 mg | .77 mg |
| Vitamin B-12 | 1.1 mcg | 1.2 mcg | 1.47 mcg | 1.58 mcg | 1.54 mcg |

Water

The 2010 Dietary Guidelines for Americans do not establish a daily minimum intake for water consumption, but do recommend that water be consumed daily. Caregivers should not serve young children too much water before and during meal times; excess water may lead to meal displacement, reducing the amount of food and milk consumed by the children. The CACFP encourages facilities to serve water with snacks when no other beverage is being served.

Water can be made available to children in a variety of ways which include, but are not limited to: having cups available next to the kitchen sink faucet, having water pitchers and cups set out, or simply providing water to a child when it is requested.

If circumstances arise in which safe water is not readily available in a facility, the facility may purchase water for children and may be considered a reasonable and allowable cost. The purchasing of water will continue to be an unallowable cost if purchased for adult or employee consumption.

This requirement does not apply to adult day care centers, though those facilities are encouraged to ensure drinking water is available to participants.

Please contact the CDPHE-CACFP office at (303) 692-2330 if you have any questions.

Non-Dairy Milk Substitute: Parent Request Form

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CHILD AND ADULT CARE FOOD PROGRAM

Dear Parent/Guardian:

Congratulations! Your child care provider participates in the Child and Adult Care Food Program (CACFP). Participating in the CACFP means that the provider cares about good nutrition. They will introduce and serve a variety of nutritious foods for your child to eat and will serve foods appropriate for your child's nutritional need. Depending upon the hours in care, your provider will be serving your child breakfast, morning snack, lunch, afternoon snack, supper, and/or late snack.

Fluid milk is a required meal component for breakfast and lunch, and may be a component served during snack for CACFP participants. In the case of a participant who cannot consume fluid milk due to medical or other special dietary needs, other than disability, non-dairy beverages may be served in substitution of fluid milk. The CACFP requires the non-dairy milk substitute to be nutritionally equivalent to milk and meet the following nutritional standards:

| Nutrient | Amount Per Cup | %DV |
|--------------|----------------|-----|
| Calcium | 276 mg | 28% |
| Protein | 8 g | 16% |
| Vitamin A | 500 IU | 10% |
| Vitamin D | 100 IU | 25% |
| Magnesium | 24 mg | 6% |
| Phosphorus | 222 mg | 22% |
| Potassium | 349 mg | 10% |
| Riboflavin | 0.44 mg | 26% |
| Vitamin B-12 | 1.1 mcg | 18% |

| Child Care Provider to Complete | Nutrient | Amount Per Cup or %DV |
|---|--------------|-----------------------|
| | Calcium | |
| | Protein | |
| | Vitamin A | |
| | Vitamin D | |
| | Magnesium | |
| | Phosphorus | |
| | Potassium | |
| | Riboflavin | |
| | Vitamin B-12 | |

If your child can not consume fluid milk due to medical or other special dietary needs, other than a disability, please complete the following "Parent Section" and return to your child care provider.

Parent/Guardian Section

Child's Name: _____ Age: _____ Substitute Requested: _____

Please describe the medical or other special dietary need that restricts your child from consuming cow's milk: _____

- ☐ I choose to provide the substitute I requested to my child care provider. By providing a creditable milk substitute, I understand that my child care provider may receive meal reimbursement for my child.
- ☐ I choose to not provide the substitute requested. I understand that my child care provider is not required, but has the discretion to purchase and provide a creditable milk substitute, as requested.

Parent/Guardian Signature: _____ Date: _____

Child Care Provider Section: Complete the above nutrient analysis of the substitute requested by the parent/guardian and this section. Keep this form on file.

- ☐ I have determined the nutritional quality of the non-dairy milk substitute requested. The substitute requested is CREDITABLE/NOT CREDITABLE (circle one).
- ☐ I understand I have the discretion to purchase and provide a creditable substitute, as requested, if the parent does not provide the milk substitute. I understand I may only claim meal reimbursement for eligible meals.

Provider Signature: _____ Date: _____

A. NON-DAIRY MILK SUBSTITUTIONS

- 1. Is a caregiver required to provide a non-dairy milk substitute if it is not related to a medical disability?**

No. It is at the caregiver's discretion to provide a non-dairy milk substitute if it is not related to a medical disability.

- 2. Will caregivers receive additional meal reimbursements if they provide a non-dairy milk substitution?**

No. All non-dairy milk substitutions are at the expense of the caregiver and/or the child's parent or guardian.

- 3. If a parent provides a creditable non-dairy milk substitute, can the caregiver serve it and still receive reimbursement?**

Yes. If a parent provides a non-dairy milk substitute that meets the nutritional standards as outlined in 7 CFR 210.10(m)(3) and that has been approved by the State agency, the caregiver may serve the non-dairy milk substitute and still claim reimbursement for the meal.

- 4. If a parent or adult participant can request a non-dairy milk substitute that is equivalent to cow's milk, can the parent or adult participant also request that their child or themselves be served whole or reduced-fat (2%) milk?**

No. The Act requires that milk served to children and adults in the CACFP be aligned with the most recent version of the Dietary Guidelines for Americans. The 2010 Dietary Guidelines for Americans recommends that persons over the age of two consume low-fat (1%) or fat-free (skim) milk. Therefore, any request for higher fat milk must be made through a medical statement, related to a medical disability, and prescribed by a licensed physician.

B. COMPLIANCE

- 5. What if the parent agrees to provide the non-dairy substitute, but brings in one that does not meet the USDA's nutritional standards; can the caregiver serve it and still receive reimbursement?**

Caregivers should inform parents about the types of creditable non-dairy milk substitutes. If a non-dairy milk substitute is served that does not meet the nutritional standards outlined in 7 CFR 210.10(m)(3), then the meal is not reimbursable.

6. When submitting menus for review, do caregivers need to document the type of milk that they serve?

No. Caregivers are not required to document the type of milk served on their menus. However, it is the responsibility of the State or sponsor, as applicable, to ensure that the correct type of milk is being served when conducting reviews.

7. What type of milk may one-year-old children be served?

The milk requirements for children one year of age remain unchanged at this time. It is recommended, but not required, that children 12 through 23 months of age be served whole milk only.

8. If one-year-old and two-year-old children sit together for the same meal, must they be served different types of milk?

Children older than two must be served low-fat (1%) or fat-free (skim) milk and it is recommended that children one year of age be served whole milk. Providers must ensure that children of various ages seated at the same meal receive the appropriate type of milk.

9. What happens if a caregiver serves reduced-fat (2%) or whole milk on or after October 1, 2011?

Effective October 1, 2011, meals served to participants two years of age and older that include reduced-fat (2%) or whole milk are not reimbursable and must be disallowed. In addition, the provider should submit a corrective action plan and the State agency or sponsor should follow-up to ensure that it has been successfully implemented.

C. ADULT PARTICIPANTS

10. Must adults participating in the CACFP be served 1% or fat-free milk only?

Yes. The provision in the law [42 USC §1766(g)] requires all CACFP institutions to serve low-fat or fat-free milk, which includes adult day care facilities.

11. Can adults submit a written request for a non-dairy milk substitution?

Yes. Adult participants, or their caregivers, may request in writing a non-dairy milk substitute that meets the nutritional standards as outlined in 7 CFR 210.10(m)(3) and that has been approved by the State agency.